

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **MAIL STOP AMENDMENT**
Luc Brohan et al.)
Application No.: 10/555,926) Group Art Unit: 1793
Filed: September 1, 2006) Examiner: Ngoc Yen M. Nguyen
For: TITANIUM AQUO-OXO CHLORIDE) Confirmation No.: 4704
AND PREPARATION METHOD)
THEREOF)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Official Communication (Restriction Requirement) dated October 15, 2009, whereby the Examiner has required restriction amongst the claims, Applicants hereby elect, with traverse, the invention of **Group (I)**, claims 1-7, characterized by the Examiner as being drawn to a method of preparing titanium aquo-oxo chloride. OFFICIAL COMMUNICATION at 2. This response is made without prejudice or disclaimer to any non-elected subject matter.

Since this application is a national stage filing of a PCT application under 35 U.S.C. § 371, lack of unity standards, including PCT Rule 13, apply. According to PCT Rule 13, the international application shall relate to a group of inventions so linked as to form a single general inventive concept, *i.e.*, when there is a technical relationship among those inventions involving the special technical feature.

The Examiner has argued that the common technical feature between the groups is the titanium aquo-oxo chloride compound and this feature is not a special

technical feature because it is found in Reichman et al., Acta Cryst., C43:1681-83 (1987). OFFICIAL COMMUNICATION at 2. Applicants respectfully disagree.

Different from the Examiner's allegations, the common technical feature between the groups is the crystals of aquo-oxo chloride as defined in claims 8-10 (Group II). Claims 1-7 (Group I) are directed to a method for preparing the crystals, claims 11-13 and 16 (Group III) are drawn to the crystals in the form of a thin film on a substrate, and claims 14 and 17 (Group IV) as well as claims 15 and 18 (Group V) are directed to methods involving the use of the above-mentioned thin film. Moreover, the crystals of aquo-oxo chloride as defined by the claims of the present application are neither taught nor suggested in the prior art, including the Reichman et al. reference.¹ Accordingly, there is a common technical relationship amongst Groups I-V and each group involves the special technical feature. Hence, the groups of inventions listed by the Examiner (Groups I-V) are linked by a single general inventive concept. Withdrawal of the lack of unity requirement is therefore believed to be in order.

Notwithstanding, even if lack of unity is proper, the Examiner must still establish that there would be an undue burden to examine the groups together in the same application. Here no such burden exists since each group involves the crystals of aquo-oxo chloride. Thus, a search for one group would necessarily include the other groups. Accordingly, the search of the claims of Groups I-V together in the same application would be co-extensive. Because there is no undue burden in examining the claims of Groups I-V together in the same application, the lack of unity requirement should be withdrawn.

¹ Applicants will specifically address the Reichman et al. reference at a later time in the event an appropriate rejection is made in connection therewith.

Applicant reserves the right, should the lack of unity/restriction requirement not be withdrawn, to file one or more divisional applications directed to any of the non-elected subject matter

In the event that there are any questions related to this Response, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: November 6, 2009

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